

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In **Office** application of: Larry C. Olsen et al.

Application No. 10/726,744

Filed: December 2, 2003

Confirmation No. 6833

For: THERMOELECTRIC DEVICES AND
APPLICATIONS FOR THE SAME

Examiner: Anthony D. Fick

Art Unit: 1753

Attorney Reference No. 23-65037-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed

LC 11/27/07

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DECLARATION UNDER 37 C.F.R. § 1.131

I, Larry C. Olsen, declare as follows:

1. I am a joint inventor of the above-identified application.
2. I have reviewed the Office action dated June 27, 2007. It is my understanding that certain claims are rejected in the Office action dated June 27, 2007, as allegedly being anticipated under 35 U.S.C. § 102(e) and unpatentable under 35 U.S.C. § 103(a) by U.S. Patent Publication No. 2004/0231714 A1 ("Stark"), which has an alleged priority date of May 19, 2003.
3. We conceived of and reduced to practice in the United States thermoelements comprising Bi_xTe_y , Sb_xTe_y , Bi_xSe_y , and/or some combination thereof where x is about 2 and y is about 3 as recited in certain of the claims prior to May 19, 2003. See Exhibit A.
4. We conceived of and reduced to practice in the United States sputter depositing n-type and p-type thermoelements comprising Bi_xTe_y , Sb_xTe_y , Bi_xSe_y , and/or some combination thereof

where x is about 2 and y is about 3 as recited in certain of the claims prior to May 19, 2003. See Exhibit A.

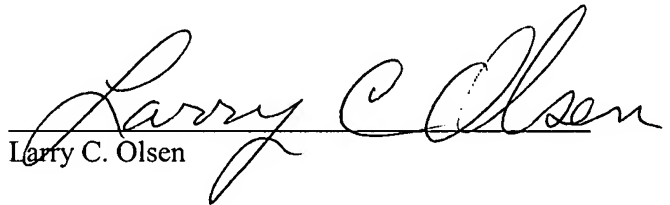
5. We conceived of and reduced to practice the use of a flexible substrate with the semiconductor thin-film thermoelements as recited in certain of the claims prior to May 19, 2003. See Exhibit A.

6. All statements made herein and of my own knowledge are true and all statements made on information are believed to be true; and further, these statements were made with the knowledge that willful false statements and like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements made may jeopardize the validity of the application or any patent issuing thereon.

Date

Nov. 20, 2007

Larry C. Olsen

A handwritten signature in cursive script, appearing to read "Larry C. Olsen", written over a horizontal line.